IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
WRIT PETITION NO : 18064 of 1993

Between:

Penubarti Gram Panchayat,Rapur Mandal,Nellore Dist.,Rep., by its Sarpanch B.Krishna Reddy,S/o.Venkata Subba Reddy, aged 50 years, R/o. Penubarti.

..... PETITIONER

AND

1 Government of A.P., Rep., by its Assistant Secretary, I & CAD (PWD)
Department.
2 Special Collector, Telugu Ganga Project,Nellore.
3 Special Deputy Collector, (Land Accuisition),T.G.P., Podalakur at Nellore.
4 Special Deputy Collector, (Land Acquisition) Telugu Ganga Project, Nellore
District.
5 Mandal Development Officer, Rapur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus directing the respondents herein to pay compensation in respect of assets which are within the area of operation of the petitioner Gram Panchayat and stand vested in under Section 67 and 85 of A.P., Gram Panchayat Act namely 15 Bore Wells, 9 Wells, 2 Community halls, 1 Water Tank, 1 Motor Shad, 1 Motor gram Panchayat Office, 3 Elementary Schools, and compound walls around schools, 6 Village Pials, 1 Cattle Pond, 4 Drainage channels, 1 Spring Tank at Lingaplem 1 "Nallatan," at Penubarti.

Counsel for the Petitioner :MR.S.R.ASHOK

Counsel for the Respondents :G.P. for Land Acquisition

The Court made the following :

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ORDER:

The present writ petition has been filed by the petitioner, seeking a direction to the respondent to pay compensation to the petitioner in respect of the assets of Gram Panchayat, which were submerged under Kandaleru reservoir of Telugu Ganga project.

It is submitted before this court that a notification has been issued by the first respondent to the petitioner under Section 4(1) of the Land Acquisition Act, acquiring entire lands in Rapur Mandal as they would be submerged under Kandaleru reservoir of Telugu Ganga Project. As the compensation was not paid, the petitioner filed the present writ petition, claiming compensation in respect of the assets of Grampanchayat, which were submerged in Kadaleru reservoir of Telugu Ganga project.

A counter has been filed on behalf of the respondents, stating that the Gram Panchayat is entitled to receive compensation from the Mandal Praja Parishad. It has also been stated that Sarpanch of the Gram Panchayat never filed any claim petition before the Land Acquisition Officer and that he is not the proper person to receive compensation in respect of acquisition of the public properties, situated in the panchayat area.

In view of the submission made in the counter that the Gram panchayat has never filed any claim petition before the Land Acquisition Officer, I do not find any reason to allow this petition.

Accordingly, this petition is dismissed.

..... ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

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To

1 The Assistant Secretary, Government of A.P., I & CAD (PWD)
Department.
2 Special Collector, Telugu Ganga Project,Nellore.
3 Special Deputy Collector, (Land Accuisition),T.G.P., Podalakur at Nellore.
4 Special Deputy Collector, (Land Acquisition) Telugu Ganga Project, Nellore
District.
5 Mandal Development Officer, Rapur, Nellore District.
6. 2CCs to G.P. for Land Acquisition, High Court Buildings,Hyderabad (O.U.T.)
7. 2CD copies

*Form-NIC-OGS/WP{**JR**}*